IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
ORIGINAL JURISDICTION

Dated: Nainital: the 28th day of October 2005

Bail Application no. 428 of 2005

Order on the bail application of accused

CRIMINAL SIDE

Chote Khan S/o Sri Noushe Khan
R/o Village Ali Nagar
P.S. Kiccha District U.S.Nagar … Applicant

Versus

State of Uttaranchal … Opposite Party

Arising out of Case Crime No. 106 of 2005
Under Section 302 of I.P.C.
Police Station Kichha
District Udham Singh Nagar

By the court

Hon'ble B.C. Kandpal,J

The applicant has applied for bail in case crime No. 106 of 2005 under Section 302 I.P.C., Police Station Kichha, District Udham Singh Nagar.

Heard Sri B.S. Khanka, learned counsel for the applicant, learned A.G.A. and perused the record.

As per the prosecution case, it was the applicant, who took away his wife towards the outskirt of the village, According to the witness, the applicant was seen dragging his wife towards the outskirt of the village and after a short time, he came all alone to his house. The dated body of Amaana – wife of the applicant was found in field and in the post – mortem report, the cause of death was found due to asphyxia.

Learned counsel for the applicant has argued that during the course of the trial the deposition of the informant was recorded and he did not support the prosecution case.

I do not find any force in this argument, as the other eyewitnesses are yet to be examined. The clinching evidence which is available in this case is that the applicant was seen along with his wife going towards the outskirt of the village and after sometime he again was seen coming all alone to his house. The dead body of the wife of the applicant was found in a field.

I do not find, it is a fit case for bail at this stage. Accordingly, the same is rejected.

However, I direct the trial court to expedite the trial preferably within a period of three months.

(B.C. Kandpal,J.)

28.10.2005
ASWAL